

Hon. Robert S. Lasnik

09-CV-01804-INFO

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

KARL LEAVERTON, an individual,

Plaintiff,

v.

RBC CAPITAL MARKETS  
CORPORATION, a Minnesota  
corporation; ROYAL BANK OF  
CANADA, a Canadian corporation;  
ROYAL BANK OF CANADA US  
WEALTH ACCUMULATION PLAN, an  
employee benefit plan; and JOHN DOES  
1-15, individuals,

Defendants.

No. 2:09-cv-1804 RSL

STIPULATED MOTION AND  
~~PROPOSED~~ ORDER DISMISSING  
ERISA CLAIMS

NOTE ON MOTION CALENDAR:  
October 1, 2010

STIPULATION

Plaintiff Karl Leaverton ("Leaverton") and defendants RBC Capital Markets Corporation, Royal Bank of Canada, and Royal Bank of Canada US Wealth Accumulation Plan (collectively, the "RBC Defendants"), hereby stipulate and agree as follows:

Pursuant to the agreement of Leaverton and the RBC Defendants, Leaverton voluntarily dismisses his remaining Employment Retirement Income Security Act ("ERISA") claims, specifically his Fourth Claim (Declaratory Judgment to Clarify Leaverton's Right to Benefits Due Under the WAP Pursuant to ERISA § 502(a)(1)(B),

STIPULATED MOTION AND ~~PROPOSED~~ ORDER  
DISMISSING ERISA CLAIMS  
NO. 2:09-cv-1804 RSL - Page 1

YARMUTH WILSDON CALFO

818 STEWART STREET, SUITE 1400  
SEATTLE WASHINGTON 98101  
T 206.516.3800 F 206.516.3888

1 Complaint ¶¶ 72-83), Fifth Claim (Breach of Fiduciary Duty Pursuant to ERISA §  
2 502(a)(2), Complaint ¶¶ 84-94), and Seventh Claim (To Enjoin Denial of Full Vesting  
3 Credit Pursuant to ERISA § 502(a)(3), Complaint ¶¶ 99-101).

4 Leaverton's First Claim (Violation of the Age Discrimination in Employment Act,  
5 Complaint ¶¶ 59-64), Second Claim (Violation of the Washington Law Against  
6 Discrimination, Complaint ¶¶ 65-68), Eighth Claim (Breach of Contract, Complaint ¶¶ 102-  
7 07), and Ninth Claim (Willful Withholding of Wages, Complaint ¶¶ 108-11) remain at issue  
8 in this litigation.

9  
10 DATED: October 1, 2010.

11  
12 YARMUTH WILSDON CALFO PLLC

PERKINS COIE LLP

13 By: /s/ Jeremy E. Roller  
14 Patricia A. Eakes, WSBA No. 18888  
Jeremy E. Roller, WSBA No. 32021  
15 Attorneys for Plaintiff Leaverton

By: /s/ William B. Stafford  
Kevin J. Hamilton, WSBA No. 15648  
William B. Stafford, WSBA No. 39849  
Attorneys for the RBC Defendants

~~PROPOSED~~ ORDER

IT IS SO ORDERED.

DATED this 5<sup>th</sup> day of October, 2010

  
HONORABLE ROBERT S. LASNIK  
UNITED STATES DISTRICT JUDGE

Presented by:

YARMUTH WILSDON CALFO PLLC

By /s/ Jeremy Roller

Patricia A. Eakes, WSBA No. 18888

Jeremy E. Roller, WSBA No. 32021

818 Stewart Street, Suite 1400

Seattle, WA 98101

Phone: 206.516.3800

Fax: 206.516.3888

Email: [peakes@yarmuth.com](mailto:peakes@yarmuth.com)

[jroller@yarmuth.com](mailto:jroller@yarmuth.com)

Attorneys for Plaintiff Leaverton